

EXHIBIT 13

Restore Robotics LLC v Intuitive Surgical

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF FLORIDA
3 PANAMA CITY DIVISION
4

5 CASE NUMBER: 5:19-CV-55-TKW-MJF
6

7 RESTORE ROBOTICS LLC, et al.,

8 Plaintiffs,

9 vs.

10 INTUITIVE SURGICAL, INC.,

11 Defendant.
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13 INTUITIVE SURGICAL, INC.,

14 Counterclaimant,

15 vs.

16 RESTORE ROBOTICS LLC, et al.,

17 Counterclaim Defendants.
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21 REMOTE VIDEOTAPED DEPOSITION OF DAVID ROSA
22
23

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1 authorized distributors in other countries. Is
2 that right?

3 A. To the best of my knowledge, where
4 service is being provided by those
5 distributors, these parts would have to be
6 available to them.

7 Q. And are these replacement parts
8 also available to users of the da Vinci
9 surgical system in the United States?

10 A. Not to my knowledge.

11 Q. So is it fair to say that the
12 replacement parts would only be available to
13 users of the da Vinci surgical system in the
14 United States as part of service performed
15 under time and materials by Intuitive Surgical?

16 A. Yeah, I'm not -- I'm not sure that
17 I agree with the way you said that.

18 Q. So if I'm a da Vinci surgical
19 system user in the United States, can I
20 purchase any of these replacement parts a la
21 carte without any other purchase of service
22 from Intuitive Surgical?

23 A. Let's see. So can a user -- so

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1 now we're talking about a customer. Can a
2 customer purchase one of these items while
3 under a time and material contract? Is that
4 what you're asking?

5 Q. Correct. Can they just purchase
6 the part without purchasing any service? Can
7 they just purchase the part, the physical part?

8 A. So I just -- I'm really trying to
9 understand your question. So they will -- they
10 will purchase a part. But it is our team who
11 installs it and tests it and verifies that its
12 functionality is being met, those kinds of
13 things. So I'm not -- I'm not sure if that is
14 connected exactly to your question or not.

15 Q. Is it fair to say that the parts
16 and service are sold together?

17 A. The parts -- so in this case just
18 define service.

19 Q. Well, you -- so you talk about the
20 part being installed. So is the part and the
21 installation service provided together?

22 A. To the best of my knowledge, they
23 would be, yes.

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1 Q. And just to make sure I'm framing
2 that right, you're asking -- you know, I think
3 you said in the U.S. for our customer base, if
4 they were to purchase one of these parts
5 because they're under a time and material
6 contract, it would be installed together with a
7 service, you know, through the service team?

8 MR. BERHOLD: Chris, we can take
9 down Exhibit 2.

10 Q. Mr. Rosa, can we turn for a minute
11 to AMP pricing?

12 A. Of course.

13 Q. What is AMP pricing?

14 A. So AMP stands for accelerating
15 minimally invasive program.

16 Q. And have there been several
17 versions of that AMP program?

18 A. There are -- yes, I think that's
19 fair to say versions, flavors that we've
20 categorized as an AMP program.

21 Q. How many total?

22 A. Let's see. There are four that
23 have been contemplated, if you will.